

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

MICHAEL W. KWASNIK,	:	
	:	
Petitioner,	:	Civ. No. 24-1363 (RBK)
	:	
v.	:	
	:	
UNITED STATES OF AMERICA,	:	<b>MEMORANDUM &amp; ORDER</b>
	:	
Respondent.	:	
	:	

Petitioner, Michael W. Kwasnik (“Petitioner” or “Kwasnik”), is a federal prisoner proceeding through counsel with a motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255. Previously, this Court granted Petitioner’s counsel’s request to appear pro hac vice. (*See* ECF 10). Petitioner’s pro hac vice counsel had previously filed two motions in this action; namely the following: (1) motion to file a legal memorandum in support of his § 2255 motion; and (2) supplemental motion in support of his § 2255 motion. (*See* ECF 3 & 8).

However, both motions were flagged by the Clerk’s office as improperly submitted by Petitioner’s pro hac vice counsel rather than Petitioner’s local counsel in violation of Local Civil Rule 101.1(c)(4). Thereafter, local counsel resubmitted these documents (*see* ECF 12 & 13) such that the Clerk will be ordered to administratively terminate Petitioner’s motions that were improperly filed by his pro hac vice counsel.

In accordance with Rule 4(b) of the Rules Governing § 2255 Proceedings, this Court has screened Petitioner’s § 2255 motion for dismissal and determined that a dismissal without a response is not warranted. Indeed, Respondent has already submitted its response in opposition to Petitioner’s § 2255 motion. (*See* ECF 14). Therefore, this Court will simply now set a time for Petitioner to file a reply brief should he elect to do so.

Accordingly, IT IS on this 22<sup>nd</sup> day of April, 2024,

ORDERED that the Clerk shall administratively terminate Petitioner's motion to file a legal memorandum and motion to supplement (ECF 3 & 9) as they were improperly filed by Petitioner's pro hac vice counsel rather than local counsel who has since corrected that error (*see* ECF 12 & 13); and it is further

ORDERED that Petitioner's reply brief in support of his § 2255 motion may be filed within forty-five (45) days of the date of this memorandum and order should he elect to file one.

s/ Robert B. Kugler  
ROBERT B. KUGLER  
United States District Judge